



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

**GAIL FARBER, Director**

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 29, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#39 JUNE 29, 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FUNDING AGREEMENT  
AND LEASE IMPLEMENTING APPROVED DISTRICT FUNDING FOR FRANK G. BONELLI  
REGIONAL PARK AND RECREATION AREA (IN THE CITY OF SAN DIMAS), PECK ROAD  
PARK (IN THE UNINCORPORATED COUNTY AREA ADJACENT TO ARCADIA), AND VARIOUS  
HIKING AND EQUESTRIAN TRAILS (LOCATED ON DISTRICT RIGHT OF WAY) FOR FISCAL  
YEAR 2009-10  
(SUPERVISORIAL DISTRICTS 1 AND 5)  
(3 VOTES)**

### **SUBJECT**

This action is to approve a funding agreement and lease by and between the Los Angeles County Flood Control District and the County of Los Angeles (for the benefit of the Department of Parks and Recreation). The agreement will provide funds to preserve recreational features on lands adjacent to certain Los Angeles County Flood Control District facilities. The lease will allow the Los Angeles County Flood Control District to participate in the funding agreement.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE  
COUNTY OF LOS ANGELES AND AS THE GOVERNING BODY OF THE LOS ANGELES  
COUNTY FLOOD CONTROL DISTRICT:**

1. Find the recommended actions are exempt from the provisions of the California Environmental Quality Act for the reasons stated in this letter and in the record of the project.
2. Instruct the Chair to execute the funding agreement and lease on behalf of both the County of Los Angeles and the Los Angeles County Flood Control District.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Approve the funding agreement and lease by and between the Los Angeles County Flood Control District (LACFCD) and the County of Los Angeles (for the benefit of the Department of Parks and Recreation) for the preservation of recreational features on LACFCD properties during Fiscal Year 2009-10. The Departments of Public Works and Parks and Recreation have identified two parks (in the City of San Dimas and in the unincorporated County area adjacent to Arcadia) and various trails (located on District right of way) that are either on or adjacent to LACFCD facilities that are eligible to receive LACFCD funds. The enclosed lease continues a lessor/lessee relationship between the County and the LACFCD. The lease allows the LACFCD to acquire leasehold interest in the Bonelli Park property so that it can enter into a funding agreement for that property.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs that we provide Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The quality of life for residents in these communities is enhanced when sufficient monies are provided for Parks and Recreation to continue to maintain recreational features at these parks and maintain the hiking and equestrian trails.

### **FISCAL IMPACT/FINANCING**

The total cost to the LACFCD is \$3,900,000 for Fiscal Year 2009-10.

The funding agreement is based on County operation and maintenance of these parks and trails and for the LACFCD to reimburse the County's actual allowable costs incurred during the term of the funding agreement and lease up to a maximum reimbursement of \$3,900,000. Sufficient funds to cover the LACFCD's costs under this agreement are available in the Fiscal Year 2009-10 Flood Control District Budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The County is the owner of certain property known as Frank G. Bonelli Regional Park and Recreation Area in the City of San Dimas. The LACFCD is the owner of certain property known as Puddingstone Dam and Reservoir, also in the City of San Dimas. Currently, under Lease Agreement No. 75733, the LACFCD continues to lease to the County the right to use the water surface of the reservoir for boating and recreational purposes. The leased premises are located within the County's Frank G. Bonelli Regional Park and Recreation Area, in the City of San Dimas. This 15 year Lease Agreement is in its fifth year of the initial five-year term.

The enclosed lease, which your Board is being asked to approve, will allow the LACFCD to acquire an interest in the County's Bonelli Park property through June 30, 2010, and thereby enable the LACFCD to enter into the funding agreement with the County as to that property.

The funding agreement authorizes the LACFCD to provide funding for the operation and maintenance of Peck Road Park, which is already owned by the LACFCD, for Frank G. Bonelli Regional Park and Recreation Area, which is subject to the execution of the enclosed lease, and for various riding and hiking trails located on LACFCD right of way. Under prior Funding Agreement No. 76640, which expired on June 30, 2009, the LACFCD provided Fiscal Year 2008-09 funding to Parks and Recreation for these purposes. This enclosed funding agreement continues LACFCD funding to Parks and Recreation for Fiscal Year 2009-10.

It is the intention of the parties that the Frank G. Bonelli Regional Park and Recreation Area lease between the LACFCD and the County be renewed before the LACFCD reimburses the County for any actual costs incurred under the subject funding agreement. The funding agreement and lease provide that the County will indemnify the LACFCD from any liability as set forth in the funding agreement and lease. County Counsel has reviewed and approved these agreements as to form.

### **ENVIRONMENTAL DOCUMENTATION**

The recommended actions are categorically exempt from the California Environmental Quality Act (CEQA).

The proposed lease is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Sections 15301, 15305, and 15325 of the State CEQA Guidelines and Class 1, Subsection (r), Class 5 and Class 25 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G.

The proposed funding agreement is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15301 of the State CEQA Guidelines and Class 1, Subsections (c), (d), (f), (j), (r), (s), and (x) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G.

In addition, there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the above-referenced exemptions inapplicable based on the project records.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This funding agreement and lease continue prior agreements. As such, current services will not be impacted.

### **CONCLUSION**

Please return one adopted copy of this letter and one copy each of the executed funding agreement and the lease to the Department of Public Works, Budget/Fund Management Division. Also, please return one adopted copy of this letter and one copy each of the executed funding agreement and lease to the Department of Parks and Recreation.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER  
Director

LH:ma

Enclosures

c: Auditor-Controller (Accounting Division – Asset  
Management)  
Chief Executive Office  
County Counsel  
Executive Office  
Department of Parks and Recreation  
Department of Public Works

**FUNDING AGREEMENT  
REGARDING THE PRESERVATION OF  
RECREATIONAL FEATURES AT  
FRANK G. BONELLI REGIONAL PARK AND RECREATION AREA,  
PECK ROAD PARK, AND VARIOUS HIKING  
AND EQUESTRIAN TRAILS  
FOR FISCAL YEAR 2009-10**

THIS AGREEMENT is made and entered into by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, hereinafter referred to as "LACFCD," and the COUNTY OF LOS ANGELES, hereinafter referred to as "COUNTY."

WHEREAS, Section 2, Provision 15, of the Los Angeles County Flood Control Act empowers LACFCD to preserve, enhance, and add recreational features to its properties and, upon a finding by the Board of Supervisors that the acquisition is necessary for such purposes, to acquire, preserve, enhance, and add recreational features to lands or interests in lands adjacent to LACFCD properties for the protection, preservation, and use of the scenic beauty and natural environment of such properties or such lands; and

WHEREAS, the COUNTY by and through its DEPARTMENT OF PARKS AND RECREATION, hereinafter referred to as "DEPARTMENT," currently operates and maintains the Frank G. Bonelli Regional Park and Recreation Area, hereinafter referred to as "BONELLI PARK," the Peck Road Park, and the following hiking and equestrian trails:

Rio Hondo River Trail,  
Santa Anita Wash Trail,  
San Gabriel River Trail,  
Van Tassel Trail,  
San Jose Creek Trail,  
Walnut Creek Trail,  
Bonelli Regional Park Trail,  
Marshall Canyon Trail,  
Gould Canyon Trail, and  
La Canada Open Space,

all of which are hereinafter collectively referred to as "PARKS AND TRAILS;" and

WHEREAS, said PARKS AND TRAILS are either located on LACFCD property or on property adjacent to LACFCD property in which the LACFCD has acquired an interest; and

WHEREAS, in order to facilitate said LACFCD funding for the preservation of recreational features at BONELLI PARK, COUNTY needs to renew the BONELLI PARK lease for funding purposes at BONELLI PARK; and

WHEREAS, it is the intention of both of the parties hereto that the sole purpose of this AGREEMENT is to provide partial LACFCD funding, during the Fiscal Year 2009-10, and the mutual written approval of the Chief Engineer of LACFCD and Director of DEPARTMENT, or its designee, for the preservation of existing recreational features at said PARKS AND TRAILS, all as set forth herein; and

NOW, THEREFORE, LACFCD and COUNTY, for and in consideration of the mutual benefits, promises, and agreements set forth herein, do agree as follows:

1. Subject to the terms and conditions of this AGREEMENT, LACFCD shall reimburse COUNTY for ACTUAL COSTS incurred during the term of this AGREEMENT for certain of the COUNTY'S operation and maintenance expenditures at said PARKS AND TRAILS. The total of all LACFCD reimbursements made pursuant to this AGREEMENT shall not exceed the sum of three million nine hundred thousand dollars (\$3,900,000) per fiscal year.

In no event shall any provision of this AGREEMENT nor any obligation or liability imposed either directly or indirectly by or because of this AGREEMENT obligate LACFCD to expend any monies in excess of the amounts indicated within this Section.

2. ACTUAL COSTS shall consist of and be limited to actual costs incurred at said PARKS AND TRAILS for Trails Maintenance, Grounds Maintenance, Building Maintenance, Utilities, Lifeguards, and Safety Police and shall include currently applicable percentages added to salary, wage, and equipment costs to cover overhead, administration, and depreciation in connection with any or all of the aforementioned items. The maximum allowable costs for each facility are as follows:

Bonelli Park	\$3,500,000
Peck Road Park	\$53,000
Park Trails	\$347,000

3. LACFCD's obligation to reimburse COUNTY for any ACTUAL COSTS incurred during the term of this AGREEMENT at BONELLI PARK, hereinafter referred to as "BONELLI COSTS," is contingent upon COUNTY's renewal of the lease relating to BONELLI PARK, attached hereto as Exhibit 1. In no event shall LACFCD have any obligation whatsoever to reimburse COUNTY for any BONELLI COSTS unless and until COUNTY renews said lease.

4. COUNTY shall provide the required labor, equipment, and materials for the operation and maintenance of PARKS AND TRAILS in accordance with standard DEPARTMENT practices during the term of this AGREEMENT.

5. COUNTY shall keep accurate and up-to-date records of all expenses incurred relative to any ACTUAL COSTS for which COUNTY is reimbursed by LACFCD pursuant to this AGREEMENT. The books and records of the DEPARTMENT will be available upon reasonable notice for review by LACFCD staff. DEPARTMENT shall retain operating and fiscal records for a minimum of four (4) years following the termination of this AGREEMENT.

6. COUNTY shall invoice LACFCD on a quarterly basis in a form prescribed by the COUNTY Auditor-Controller for the ACTUAL COSTS to be reimbursed pursuant to this AGREEMENT. The invoices shall indicate the location of the work performed, type of work performed (i.e., Trail Maintenance, Building Maintenance, Utilities, etc.), and detail of expenses (i.e., labor classification, equipment, supplies, and applicable overhead rates). The invoices shall also include a statement from the Director of DEPARTMENT, or its designee, certifying that all costs billed to LACFCD are appropriate and proper expenditures under Section 2, Provision 15, of the Los Angeles County Flood Control Act.

7. Quarterly invoices prepared by DEPARTMENT are to be submitted to LACFCD at the following address:

Department of Public Works  
P.O. Box 7508  
Alhambra, CA 91803-7508  
Attention Fiscal Division -  
Accounts Payable

8. This AGREEMENT shall commence upon execution and end June 30, 2010.

9. In executing this AGREEMENT, the LACFCD is merely providing funding for the preservation of existing recreational features at COUNTY PARKS AND TRAILS. Consistent with the nature of this AGREEMENT as strictly a funding mechanism, it is the intention of the parties hereto that neither LACFCD, nor any officer or employee of LACFCD, shall be liable for any damage, cost, or expense which relates to, arises out of, or is in any way connected with this AGREEMENT or with any of the PARKS for which funding is herein provided as a result of this AGREEMENT.

10. COUNTY agrees to indemnify, defend, and save LACFCD, its agents, officers, and employees, harmless from and against any and all actions, causes of action, liability, expense (including any and all legal costs, attorney fees, and litigation expenses), and claims of any nature whatsoever, including but not limited to actions, causes of action, liabilities, expenses, and claims for bodily injury, death, personal injury, or property damage, which relate to, arise out of, or in any way are connected with this AGREEMENT, the execution of this AGREEMENT by the parties hereto, or the ownership, control, operation, and/or maintenance, including any acts or omissions relating thereto, of any of the PARKS AND TRAILS, including any and all facilities, structures, natural conditions, improved conditions, and hybrid natural and artificial conditions located thereon, by reason of the funding which is herein provided.



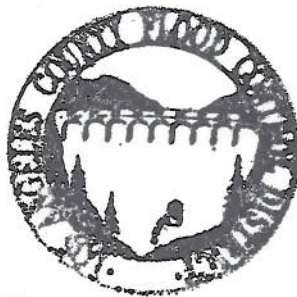
IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by and through their respective duly authorized officers on this 29 day of June, 2010.

LOS ANGELES COUNTY  
FLOOD CONTROL DISTRICT,  
a body corporate and politic

COUNTY OF LOS ANGELES,  
a body corporate and politic

By Gloria Molina  
Chair, Board of Supervisors

By Gloria Molina  
Chair, Board of Supervisors



SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles



SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By [Signature]  
Deputy

By [Signature]  
Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN  
County Counsel

[Signature]  
Deputy

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

I hereby certify that pursuant to  
Section 25103 of the Government Code,  
delivery of this document has been made.

39 JUN 29 2010

Sachi A. Hamai  
SACHI A. HAMAI  
EXECUTIVE OFFICER

SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors

By [Signature]  
Deputy



FRANK G. BONELLI  
REGIONAL PARK AND  
RECREATION AREA  
LEASE NO. 77314

**LEASE OF FRANK G. BONELLI REGIONAL PARK AND RECREATION AREA**

This Lease is entered into this 29 day of June, 2010 between the County of Los Angeles "COUNTY" and the Los Angeles County Flood Control District "LACFCD."

WHEREAS, the LACFCD is the owner of certain property known as Puddingstone Dam and Reservoir, hereinafter referred to as "PUDDINGSTONE RESERVOIR," generally located in the City of San Dimas; and

WHEREAS, COUNTY is the owner of certain property known as Frank G. Bonelli Regional Park and Recreation Area, hereinafter referred to as "PARK," which is also located in the City of San Dimas, and is adjacent to the PUDDINGSTONE RESERVOIR; and

WHEREAS, on July 1, 2005, the LACFCD entered into Lease Agreement 75733 with the COUNTY for use of a portion of PUDDINGSTONE RESERVOIR for recreational purposes; and

WHEREAS, Section 2, Provision 15, of the Los Angeles County Flood Control Act empowers LACFCD to preserve, enhance, and add recreational features to its properties and, upon a finding by the Board of Supervisors, to acquire lands or interests in lands adjacent to LACFCD properties, for the protection and preservation of the scenic beauty and natural environment of such properties or such lands; and

WHEREAS, LACFCD intends to enter an agreement with COUNTY, to contribute funding, during the Fiscal Year 2009-10, for the preservation of recreational features at said PARK; and

WHEREAS, in order to facilitate said LACFCD funding for the preservation of recreational facilities at the PARK, and to comply with Section 2, Provision 15, of the Los Angeles County Flood Control Act, COUNTY and LACFCD are willing to execute a lease of the PARK.

NOW THEREFORE, COUNTY and LACFCD, for and in consideration of the mutual benefits, covenants, and agreements set forth herein, do hereby agree as follows:

## EXHIBIT 1

### 1. Leased Premises

The COUNTY hereby leases to the LACFCD, those parcels of land, which are part of the PARK, as shown on the map identified as Exhibit A, attached hereto and made a part hereof.

### 2. Term

The term of this Lease shall be for one (1) year beginning July 1, 2009, and ending June 30, 2010.

### 3. Consideration

As consideration for this Lease, LACFCD shall provide partial funding for certain operational and maintenance costs of existing recreational features at the PARK. The terms of the funding are set forth in the FUNDING AGREEMENT REGARDING PRESERVATION OF RECREATIONAL FEATURES AT FRANK G. BONELLI REGIONAL PARK AND RECREATION AREA, PECK ROAD PARK, AND VARIOUS HIKING AND EQUESTRIAN TRAILS between the LACFCD and the COUNTY, hereinafter referred to as the "AGREEMENT."

### 4. Purpose

The sole purpose of this Lease is to enable LACFCD to provide funding for the preservation of recreational features related to the scenic beauty and natural environment at the PARK. It is not the intention of the LACFCD to use or occupy the Leased Premises or to perform the actual maintenance thereof.

### 5. Assignment of Lease

LACFCD agrees with regard to any rights obtained pursuant to this Lease, not to sublease, or grant any license to use or occupy any portion of the PARK, except to the State of California, or a nonprofit corporation which has been granted 501(C)(3) charitable status by the Internal Revenue Service. In addition, this Lease is not assignable.

### 6. Indemnification

COUNTY agrees to indemnify, defend, and save harmless LACFCD, its agents, officers, and employees, from and against any and all actions, causes of action, liability, expense (including any and all legal costs, attorney fees, and litigation expenses), and claims of any nature whatsoever, including but not limited to actions, causes of action, liabilities, expenses and claims for bodily injury, death, personal injury, or property damage, which

## EXHIBIT 1

relate to, arise out of, or in any way are connected with this Lease; and the execution of this Lease by the parties hereto, or the ownership, control, operation and/or maintenance, including any acts or omissions relating thereto, of any of the PARK, including any and all facilities, structures, natural conditions, improved conditions and hybrid natural and artificial conditions located thereon, by reason of the funding which is herein provided.

### 7. Taxes

LACFCD shall not be liable for any and all taxes and/or assessments levied upon the PARK. COUNTY agrees that pursuant to Paragraph 6 hereof, the COUNTY shall indemnify, defend, and save LACFCD harmless from any and all such taxes and assessments.

### 8. Notices

All notices by either party to the other shall be sent to the other party at the addresses below.

COUNTY - Executive Office of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012-2713

LACFCD - Los Angeles County Department of Public Works  
Survey/Mapping and Property Management Division  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

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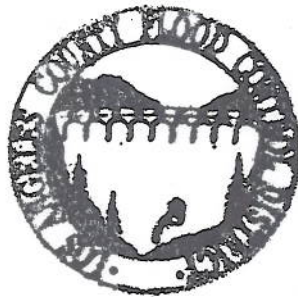
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EXHIBIT 1

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by and through their respective duly authorized officers.

LOS ANGELES COUNTY  
FLOOD CONTROL DISTRICT,  
a body corporate and politic

By *Gloria Molina*  
Chair, Board of Supervisors



SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By *[Signature]*  
Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN  
County Counsel

By *[Signature]*  
Deputy

COUNTY OF LOS ANGELES,  
a body corporate and politic

By *Gloria Molina*  
Chair, Board of Supervisors



SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By *[Signature]*  
Deputy

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

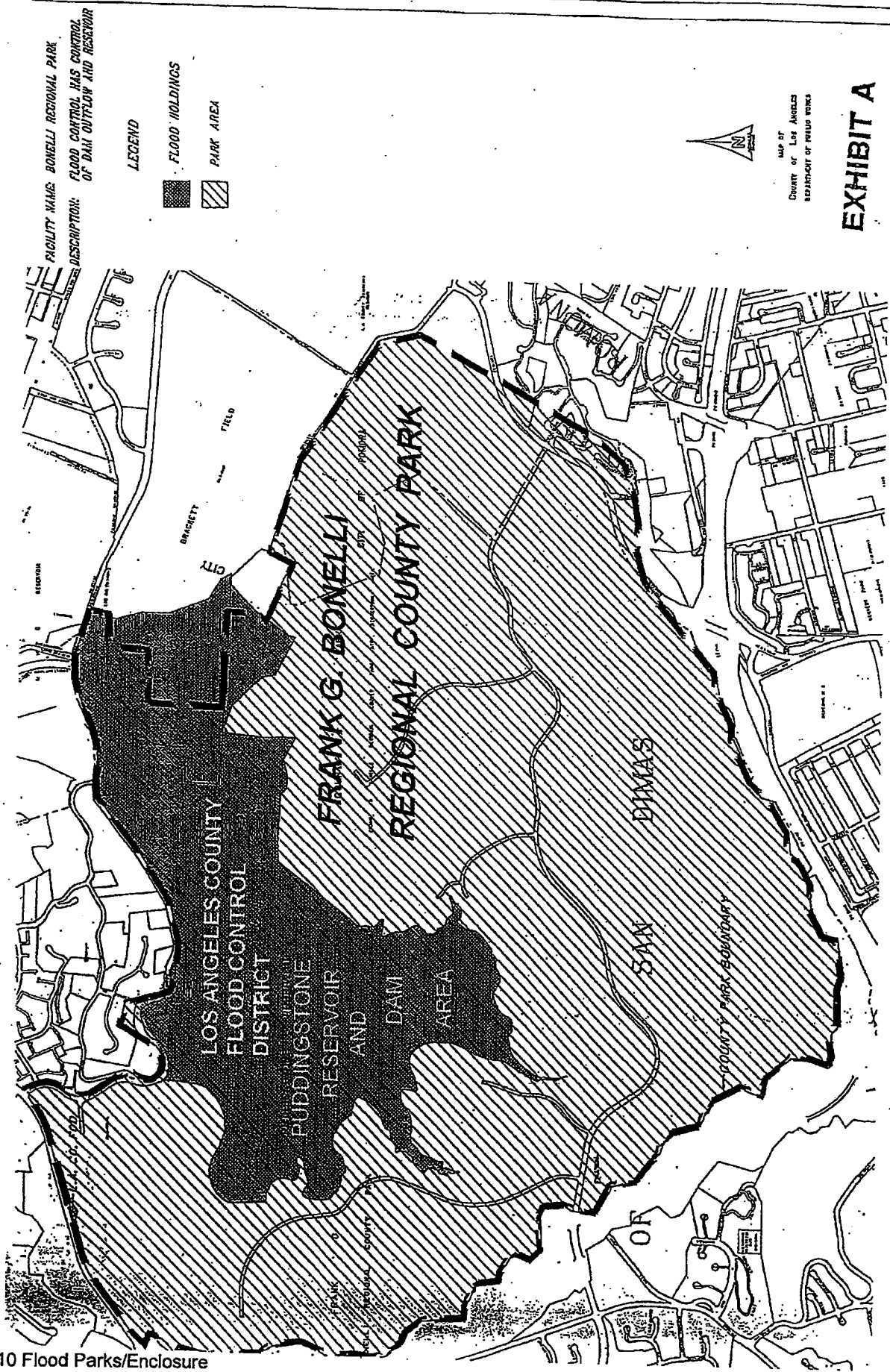
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JUN 29 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER  
I hereby certify that pursuant to  
Section 25103 of the Government Code  
delivery of this document has been made



SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors  
By *[Signature]*  
Deputy

77314



FACILITY NAME: BONELLI REGIONAL PARK  
 DESCRIPTION: FLOOD CONTROL HAS CONTROL OF DAM OUTFLOW AND RESERVOIR

LEGEND

-  FLOOD HOLDINGS
-  PARK AREA



MAP OF  
 COUNTY OF LOS ANGELES  
 BOUNDARY OF PUBLIC WORKS

EXHIBIT A